



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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Executive Director

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Division Director

December 6, 2002

## CERTIFIED RETURN RECEIPT

7099 3400 0016 8895 6382

Gary Gray, Resident Agent  
West Ridge Resources, Inc.  
P.O. Box 902  
Price, Utah 84501

RE: Proposed Assessment for State Violation No. N02-49-2-1, West Ridge Resources, Inc.,  
West Ridge Mine, C/007/041, Compliance File

Dear Mr. Glasson:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the Assessment Officer for assessing penalties under R645-401.

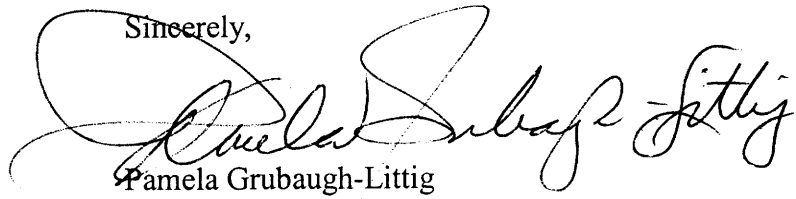
Enclosed is the proposed civil penalty assessment for the above referenced violation. The violation was issued by Division Inspector, Karl Houskeeper, on November 19, 2002. Rule R645-401-600 et. seq. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this Notice of Violation has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within thirty (30) days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.
2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within thirty (30) days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vickie Southwick.

Sincerely,

  
Pamela Grubaugh-Littig  
Assessment Officer

sd  
Enclosure  
cc: OSM Compliance Report ✓  
Vickie Southwick, DOGM  
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**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

12/6/02, C/007/041-N02-49-2-1

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Ristricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)

GARY GRAY

Street, Apt. No., or PO Box No.

P O BOX 902

City, State, ZIP+4

PRICE UT 84501

PS Form 3800, February 2000

See Reverse for Instructions

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2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS:

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS:

B. HINDRANCE VIOLATION (Max 25 pts.)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? Potential  
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS:

*The permittee is diverting underground mine water through disturbed culverts and diversions where it is being stored in the sediment pond. The disturbed culverts, diversions, and the sediment pond are not designed for conveyance and/or storage of mine water. The underground mine water has a permitted UPDES discharge point (002). This outfall places the mine water into the undisturbed bypass culvert. The UPDES permit also lists (001) sediment pond discharge point. The disturbed area culverts, ditches, and sediment pond are not designed or approved for conveyance and/or storage of mine water in the approved MRP.*

TOTAL SERIOUSNESS POINTS ( A or B ) 5

### III. NEGLIGENCE (Max 30 pts.)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE: Negligence

ASSIGN NEGLIGENCE POINTS 8

#### PROVIDE AN EXPLANATION OF POINTS:

*The disturbed culverts, diversions, and sediment pond are not designed or approved for conveyance and/or storage of mine water. The underground mine water has a permitted discharge point (002). This outfall is approved by the UPDES permit and is discussed in the approved MRP.*

### IV. GOOD FAITH (Max 20 pts.)

(Either A or B)

(Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite, the resources necessary to achieve compliance of the violated standard within the permit area?  
IF SO--EASY ABATEMENT

#### Easy Abatement Situation

- Immediate Compliance -11 to -20\*  
(Immediately following the issuance of the NOV)
- Rapid Compliance -1 to -10  
(Permittee used diligence to abate the violation)
- Normal Compliance 0  
(Operator complied within the abatement period required)  
(Operator complied with condition and/or terms of approved Mining and Reclamation Plan)

\*Assign in upper of lower half of range depending on abatement occurring the 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does the situation require the submission of plans prior to physical activity to achieve compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

- Rapid Compliance -11 to -20\*  
(Permittee used diligence to abate the violation)
- Normal Compliance -1 to -10\*  
(Operator complied within the abatement period required)
- Extended Compliance 0  
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete)  
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? \_\_\_\_\_

ASSIGN GOOD FAITH POINTS 0

**PROVIDE AN EXPLANATION OF POINTS:**

*Good faith will be addressed upon completion of following the UPDES and approved MRP, which have not been met to date. The water should be directed as authorized by the UPDES permit and the approved MRP. Submission of plans is an option that the operator can utilize if compliance with UPDES discharge limits is an issue at outfall (002).*

**V. ASSESSMENT SUMMARY**

NOTICE OF VIOLATION # <u>N02-49-2-1</u>	
I. TOTAL HISTORY POINTS	<u>1</u>
II. TOTAL SERIOUSNESS POINTS	<u>5</u>
III. TOTAL NEGLIGENCE POINTS	<u>8</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>
 TOTAL ASSESSED POINTS	 <u>14</u>
 TOTAL ASSESSED FINE	 <u>\$140.00</u>

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